

01-21-05

EPW 3624

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number

10/666,979

Filing Date

September 17, 2003

First Named Inventor

FRIEDMAN, et al.

Art Unit

3624

Examiner Name

TBA

Attorney Docket Number

36287-04402

### ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/  
Incomplete Application



Reply to Missing Parts  
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation  
Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify  
below):

Postcard; Fee Transmittal for FY 2005;  
Check in the amount of \$120; Certificate of  
Mailing w/Transmission Form; Petition for  
Extension of Time (1 mon).

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Milbank, Tweed, Hadley & McCloy

Signature

Printed name

Chris L. Holm

Date

January 20, 2005

Reg. No.

39,227

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as indicated in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: [EL 968232206 US]

Signature

*Teresita Santos*

Typed or printed name

Teresita Santos

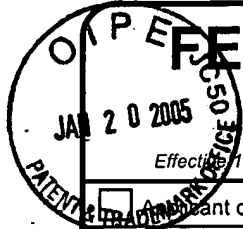
Date

January 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 120

## Complete if Known

Application Number 10/666,979  
Filing Date September 17, 2003  
First Named Inventor FRIEDMAN, et al.  
Examiner Name TBA  
Art Unit 3624  
Attorney Docket No. 36287-04402

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

13-3250

Milbank, Tweed

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 790                   | 2001 395                   | Utility filing fee     |          |
| 1002 350                   | 2002 175                   | Design filing fee      |          |
| 1003 550                   | 2003 275                   | Plant filing fee       |          |
| 1004 790                   | 2004 395                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| SUBTOTAL (1)               |                            |                        | (\$ ) 0  |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 88                    | 2201 44                    | Independent claims in excess of 3                          |
| 1203 300                   | 2203 150                   | Multiple dependent claim, if not paid                      |
| 1204 88                    | 2204 44                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     | 120      |
| 1252 430      | 2252 215      | Extension for reply within second month                                    |          |
| 1253 980      | 2253 490      | Extension for reply within third month                                     |          |
| 1254 1,530    | 2254 765      | Extension for reply within fourth month                                    |          |
| 1255 2,080    | 2255 1,040    | Extension for reply within fifth month                                     |          |
| 1401 340      | 2401 170      | Notice of Appeal   |          |
| 1402 340      | 2402 170      | Filing a brief in support of an appeal                                     |          |
| 1403 300      | 2403 150      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,370    | 2453 685      | Petition to revive - unintentional   |          |
| 1501 1,370    | 2501 685      | Utility issue fee (or reissue)   |          |
| 1502 490      | 2502 245      | Design issue fee   |          |
| 1503 660      | 2503 330      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790      | 2809 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790      | 2810 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790      | 2801 395      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 120

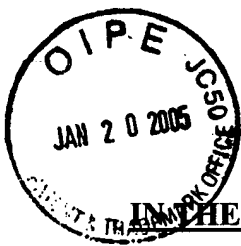
## SUBMITTED BY

Name (Print/Type) Chris L. Holm  
Registration No. (Attorney/Agent) 39,227  
Telephone 212-530-5000  
Signature   
Date January 20, 2005

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT  
Docket No.: 36287-04402

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s)** : Friedman et al.  
**Serial No.** : 10/666,979 **Group Art Unit** : 3624  
**Filed** : September 17, 2003 **Examiner** : TBA  
**For** : ***METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS***

**RENEWED PETITION FOR STATUS UNDER  
37 C.F.R. § 1.47(a)**

**Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

On July 8, 2004, the undersigned filed a Petition for status under 37 C.F.R. § 1.47(a) for the above-entitled application, with the required petition fee. On August 11, 2004, the Office of Petitions dismissed the petition citing certain deficiencies in the petition, and set a two month period for reply. Accordingly, on September 29, 2004, applicants submit a Renewed Petition. On November 18, 2004, the Office of Petitions again dismissed the petition citing certain deficiencies in the petition and set a two month period for reply, to expire January 18, 2005. Accordingly, a petition for extension of time (one month) and associated fee is hereby submitted. In the event the Commissioner determines that an additional extension of time or associated fee is required, the undersigned hereby petitions for such extension of time, and authorizes the Commissioner to charge the fee to the Milbank Tweed deposit account #13,3250.

The undersigned hereby submits additional information as requested by the Office of Petitions and asks the Office of Petitions to grant the Petition for Status under 37 C.F.R. § 1.47 (a). As the required petition fee was previously submitted, applicants submit that no

additional petition fee is due. In the event the Commissioner determines that such a fee is due, the undersigned hereby authorizes the Commissioner to charge the Milbank Tweed deposit account #13,3250.

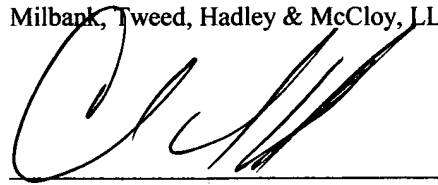
Included herewith are the following:

Updated Copy of Declaration, signed by Allen R. Friedman, Stephen E. Gray, David A. Seaman, and Benjamin B. Lopata. Unsigned inventors are: Mr. Stephen L. Roti and Ms. Kelly Cesare. The updated Declaration includes the citizenship information for Mr. Friedman and Mr. Lopata, as required by the Office of Petitions.

Declaration of Chris L. Holm, dated January 19, 2005, with attachment.

The undersigned respectfully submits that all deficiencies identified by the Office of Petitions are corrected. Status under 37 C.F.R. 1.47(a) is requested for this application.

Respectfully submitted,  
Milbank, Tweed, Hadley & McCloy, LLP

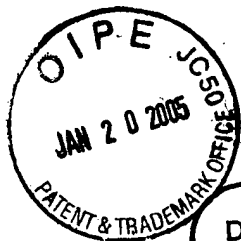


Chris L. Holm  
Reg. No.: 39,227

January 19, 2005

Milbank, Tweed, Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)



**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

|                          |                    |
|--------------------------|--------------------|
| Attorney Docket Number   | 36287-04402        |
| First Named Inventor     | FRIEDMAN, et al.   |
| <b>COMPLETE IF KNOWN</b> |                    |
| Application Number       | 10/666,979         |
| Filing Date              | September 17, 2003 |
| Group Art Unit           | TBA                |
| Examiner Name            | TBA                |
|                          |                    |
|                          |                    |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS**

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) [ ] as United States Application Number or PCT International

Application Number **10/666,979** and was amended on (MM/DD/YYYY) [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) Country | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|--|--------------------------|--------------------------|--------------------------|
|                                     |         |  |                          | YES                      | NO                       |
|                                     |         |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 4]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

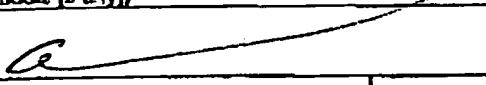
PTO/GB/01 (06-03)

Approved for use through 7/31/2003. OMB 0651-0002

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**DECLARATION — Utility or Design Patent Application**

|   |  |   |   |                |   |
|---|--|---|---|----------------|---|
| Direct all correspondence to:   |  | <input type="checkbox"/> Customer Number<br>or Bar Code Label | 27171   | OR             | <input type="checkbox"/> Correspondence address below |
| Chris L. Holm, Esq.   |  |   |   |                |   |
| Name  |  |   |   |                |   |
| 1 Chase Manhattan Plaza   |  |   |   |                |   |
| Address   |  |   |   |                |   |
| New York  |  | NY  |   | 10005-1413     |   |
| City  |  | State   |   | ZIP            |   |
| USA   |  | (212) 530-5000  |   | (212) 530-5218 |   |
| Country   |  | Telephone   |   | Fax            |   |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |  |   |   |                |   |
| NAME OF SOLE OR FIRST INVENTOR:   |  |   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |   |
| Given Name<br>(first and middle [if any])   |  |   | Family Name<br>or Surname   |                |   |
| Allen R.  |  |   | FRIEDMAN  |                |   |
| Inventor's<br>Signature   |  |   | Date  |                |   |
|   |  |   | 6/14/04   |                |   |
| Teaneck   |  | NJ  |   | USA            |   |
| Residence: City   |  | State   |   | Country        |   |
| 315 Johnson Avenue  |  | US  |   | Citizenship    |   |
| Mailing Address   |  |   |   |                |   |
| Teaneck   |  | NJ  |   | 07666          |   |
| City  |  | State   |   | Zip            |   |
| USA   |  | Country   |   |                |   |
| NAME OF SECOND INVENTOR:  |  |   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |   |
| Given Name<br>(first and middle [if any])   |  |   | Family Name<br>or Surname   |                |   |
| STEPHEN E.  |  |   | GRAY  |                |   |
| Inventor's<br>Signature   |  |   | Date  |                |   |
| Madison   |  |   | NJ  |                | USA   |
| Residence: City   |  |   | State   |                | Citizenship   |
| 20 Lawrence Rd.   |  |   | US  |                |   |
| Mailing Address   |  |   |   |                |   |
| Madison   |  | NJ  |   | 07940          |   |
| City  |  | State   |   | Zip            |   |
| USA   |  | Country   |   |                |   |

FROM CHASE LEGAL  
FROM CHASE LEGAL

(TUE) 6.15'04 12:02/ST. 12:02/NO. 4860934976 P. 2  
(MON) 6.14'04 12:51/ST. 12:50/NO. 4860934970 P. 4

PTO/3001 (06-03)  
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### DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number or Bar Code Label 27171 OR ☐ Correspondence address below

Name: Chris L. Hahn, Esq.  
Address: 1 Chase Manhattan Place  
City: New York State: NY ZIP: 10005-1413  
Country: USA Telephone: (212) 530-5000 Fax: (212) 530-5210

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor


Given Name: Allen R. Family Name: FRIEDMAN  
(first and middle (if any)) or Surname  
Inventor's Signature: Date:  
Teaneck NJ USA  
Residence: City State Country Citizenship  
315 Johnson Avenue  
Mailing Address  
Teaneck NJ 07666 USA  
City State Zip Country

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name: STEPHEN E. Family Name: GRAY  
(first and middle (if any)) or Surname  
Inventor's Signature: Stephen E. Gray Date: 6/15/04  
Madison NJ USA  
Residence: City State Country Citizenship  
20 Lawrence Rd.  
Mailing Address  
Madison NJ 07940 USA  
City State Zip Country

|   |  |   |                |
|---|--|---|----------------|
| NAME OF THIRD INVENTOR:                           |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name<br>(first and middle (if any))         |  | Family Name<br>or Surname   |                |
| STEPHEN L.  |  | ROTI  |                |
| Inventor's<br>Signature                           |  | Date  |                |
| Woodmere<br>Residence: City                       |  | NY<br>State   | USA<br>Country |
| 33 Clubside Drive<br>Mailing Address              |  | US<br>Citizenship   |                |
| Woodmere<br>City                                  |  | NY<br>State   | 11598<br>Zip   |
|   |  | USA<br>Country  |                |
| NAME OF FOURTH INVENTOR:                          |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name<br>(first and middle (if any))         |  | Family Name<br>or Surname   |                |
| DAVID A.  |  | SEAMAN  |                |
| Inventor's<br>Signature                           |  | Date  |                |
| <i>David A Seaman</i>                             |  | June 14, 2004   |                |
| Short Hills<br>Residence: City                    |  | NJ<br>State   | USA<br>Country |
| 28 Martindale Rd.<br>Mailing Address              |  | US<br>Citizenship   |                |
| Short Hills<br>City                               |  | NJ<br>State   | 07078<br>Zip   |
|   |  | USA<br>Country  |                |
| NAME OF FIFTH INVENTOR:                           |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name<br>(first and middle (if any))         |  | Family Name<br>or Surname   |                |
| BENJAMIN B.                                       |  | LOPATA  |                |
| Inventor's<br>Signature                           |  | Date  |                |
| Forest Hills<br>Residence: City                   |  | NY<br>State   | USA<br>Country |
| 112-03 66 <sup>th</sup> Avenue<br>Mailing Address |  | US<br>Citizenship   |                |
| Forest Hills<br>City                              |  | NY<br>State   | 11375<br>Zip   |
|   |  | USA<br>Country  |                |



|   |  |   |         |
|---|--|---|---------|
| NAME OF THIRD INVENTOR:   |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |
| Given Name<br>(first and middle (if any))   |  | Family Name<br>or Surname   |         |
| STEPHEN L   |  | ROTI  |         |
| Inventor's<br>Signature   |  | Date  |         |
| Woodmere  |  | NY  | USA     |
| Residence: City   |  | State   | Country |
| 33 Clubside Drive   |  | US  |         |
| Mailing Address   |  | Citizenship   |         |
| Woodmere  |  | NY  | 11598   |
| City  |  | State   | Zip     |
|   |  | USA   |         |
|   |  | Country   |         |
| NAME OF FOURTH INVENTOR:  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |
| Given Name<br>(first and middle (if any))   |  | Family Name<br>or Surname   |         |
| DAVID A.  |  | SEAMAN  |         |
| Inventor's<br>Signature   |  | Date  |         |
| Short Hills   |  | NJ  | USA     |
| Residence: City   |  | State   | Country |
| 28 Martindale Rd.   |  | US  |         |
| Mailing Address   |  | Citizenship   |         |
| Short Hills   |  | NJ  | 07078   |
| City  |  | State   | Zip     |
|   |  | USA   |         |
|   |  | Country   |         |
| NAME OF FIFTH INVENTOR:   |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |         |
| Given Name<br>(first and middle (if any))   |  | Family Name<br>or Surname   |         |
| BENJAMIN B.   |  | LOPATA  |         |
| Inventor's<br>Signature   |  | Date  |         |
|  |  | 6/14/04   |         |
| Forest Hills  |  | NY  | USA     |
| Residence: City   |  | State   | Country |
| 112-03 68 <sup>th</sup> Avenue  |  | US  |         |
| Mailing Address   |  | Citizenship   |         |
| Forest Hills  |  | NY  | 11375   |
| City  |  | State   | Zip     |
|   |  | USA   |         |
|   |  | Country   |         |

|   |                |   |                              |
|---|----------------|---|------------------------------|
| NAME OF SIXTH INVENTOR:   |                | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                              |
| Given Name KELLY<br>(first and middle [if any]) Cesare  |                | Family Name CESARE<br>or Surname  |                              |
|   |                | Date  |                              |
| New York<br>Residence: City   | NY<br>State    | Country   | United States<br>Citizenship |
| c/o Mr. James Lynn Esq., 443 Park Avenue South, Suite 603<br>Mailing Address  |                |   |                              |
| New York<br>City  | NY<br>State NY | 10016<br>Zip  | USA<br>Country               |
| TM Additional Inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto. |                |   |                              |

**DECLARATION**

I, Chris L. Holm, do hereby state:

1. I am an associate with Milbank Tweed Hadley & McCloy LLP.
2. On September 17, 2003, I filed U.S. Patent Application Serial No. 10/666,979 ('the '979 application') on behalf of the named inventors and J.P. Morgan & Co. Incorporated.
3. On July 9, 2004, I filed a Notice to file Missing Parts and Petition for status under 37 C.F.R. § 1.47(a) ("the July 9, 2004 Response"), for the '979 application.
4. On September 29, 2004, I filed a Renewed Petition for status under 37 C.F.R. § 1.47(a) ("the September 29, 2004 Response"), for the '979 application.
5. After receiving a Decision from the Office of Petitions again dismissing the petition (mailed November 18, 2004) for the '979 application, I prepared and on November 23, 2004 mail a package to Mr. Stephen L. Roti by Certified Mail, Return Receipt Requested ("the November 23, 2004 package"). The package to Mr. Roti was mailed to the last known address of Mr. Roti (33 Curbside Drive, Woodmere, NY 11598) and included a copy of the '979 application, a declaration for signature by Mr. Roti, a power of attorney for signature by Mr. Roti and an assignment document for signature by Mr. Roti. (Copies of the cover letter to Mr. Roti and the Certified mail Receipt are attached as an exhibit).
6. On or about December 10, 2004, the U.S. Postal Service returned the November 23, 2004 package with an indication that the mail forwarding time for Roti at 22 Curbside Drive, Woodmere NY had expired and further indicating that a forwarding address was 265 Dolphin Dr. Woodmere, NY 11598.
7. On or about December 10, 2004, I prepared and mailed another package to Mr. Stephen L. Roti by Certified Mail, Return Receipt Requested ("the December 10, 2004 package"). The December 10, 2004 package was mailed to the address indicated by the U.S. Postal Service as a forwarding address for Roti (265 Dolphin Drive, Woodmere, NY 11598) and again included a copy of the '979 application, a declaration for signature by Mr. Roti, a power of attorney for

signature by Mr. Roti and an assignment document for signature by Mr. Roti.  
(Copies of the December 10, 2004 Certified mail Receipt are attached as an exhibit).

8. We subsequently received a Return Receipt postcard, indicating that the December 10, 2004 package was delivered on December 13, 2004. (a copy of the return receipt postcard is attached as an exhibit)
9. To the best of my knowledge, the last known address of Mr. Roti is now 265 Dolphin Drive, Woodmere, NY 11598.
10. As of this filing date, I have not received any response or communication from Mr. Roti.
11. To my knowledge Mr. Roti has not executed a declaration or assignment for the '979 application, although diligent efforts were made to provide a copy of the '979 application to him for review and to have him execute such documents.
12. In view of the above facts, I hereby submit that the requirements for status under 37 C.F.R. § 1.47 with regard to Mr. Roti are satisfied.
13. I make this declaration under oath and without reservation.

\_\_\_\_\_ date

\_\_\_\_\_  
Chris L. Holm, Esq.

NY2:#4625166



**MILBANK, TWEED, HADLEY & MCCLOY LLP**

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FAX: 213-629-5063

PALO ALTO

650-739-7000

FAX: 650-739-7100

WASHINGTON, D.C.

202-835-7500

FAX: 202-835-7586

LONDON

44-207-448-3000

FAX: 44-207-448-3029

November 23, 2004

**CONTAINS JP MORGAN CONFIDENTIAL AND PROPRIETARY INFORMATION  
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Stephen L. Roti  
33 Curbside Drive  
Woodmere, NY 11598

Re: U.S. Patent Application for *METHOD AND SYSTEM FOR TRANSFER OF  
EMPLOYEE STOCK OPTIONS*  
File No. 36287-04402

Dear Mr. Roti:

We enclose herewith a copy of a patent application entitled *METHOD AND SYSTEM FOR TRANSFER OF EMPLOYEE STOCK OPTIONS*, which was filed with the U.S. Patent and Trademark Office on September 17, 2003. The enclosed patent application contains JP Morgan Chase & Co. confidential and proprietary information. Therefore, please limit any disclosure of the patent application to yourself.

Based on our initial investigation, it appears that you may have contributed to the invention that is claimed in the patent application. For that reason, we are forwarding a copy of the patent application for your review. If, after review of the patent application you believe you are an inventor, we ask that you sign and return to us the enclosed declaration, power of attorney and assignment. We will then arrange to file the executed documents with the U.S. Patent and Trademark Office.

Under the terms of your employment by JP Morgan Chase & Co., any ownership rights that you might have in the patent application or any patent that issues from the patent

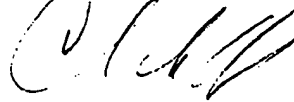
November 23, 2004

- 2 -

application were transferred to JP Morgan Chase & Co. Providing a copy of the patent application for your review does not waive or change those ownership rights.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris L. Holm", written over the word "Sincerely,".

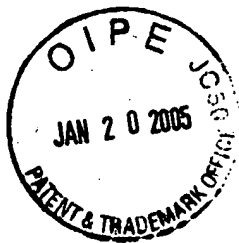
Chris L. Holm

Enclosures

Copies to:

Christopher E. Chalsen, Esq. (w/o encl.)

Andrew Cadel, Esq. (w/o encl.)

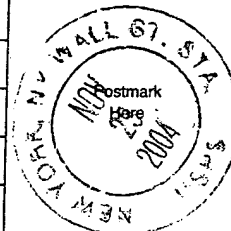


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|   |         |
|---|---------|
| Postage   | \$ 2.67 |
| Certified Fee                                     | 2.30    |
| Return Receipt Fee<br>(Endorsement Required)      | 1.75    |
| Restricted Delivery Fee<br>(Endorsement Required) |         |
| Total Postage & Fees                              | \$ 6.72 |



Sent To  
**Stephen L. Roti**  
Street, Apt. No., or PO Box No. **33 Curbside Drive**  
City, State, ZIP+4 **Woodmere, NY 11598**

PS Form 3800, June 2002

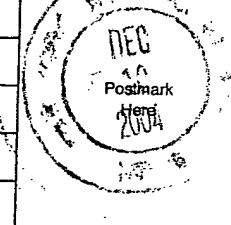
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**Chris L. Holm, Esq.**  
**OFFICIAL USE**

|   |         |
|---|---------|
| Postage   | \$ 2.67 |
| Certified Fee                                     | 2.30    |
| Return Receipt Fee<br>(Endorsement Required)      | 1.75    |
| Restricted Delivery Fee<br>(Endorsement Required) |         |
| Total Postage & Fees                              | \$ 6.72 |



Sent To  
**Stephen L. Roti**  
Street, Apt. No., or PO Box No. **265 Dolphin Drive**  
City, State, ZIP+4 **Woodmere, NY 11598-1815**

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

**Stephen L. Roti**  
**265 Dolphin Drive**  
**Woodmere, NY 11598-1815**

**2. Article Number**  
(Transfer from service label)

**7002 3150 0003 4568 4691**

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

**X [Signature]**

- ☐ Agent  
☐ Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**

**12/13/04**

- D. Is delivery address different from item 1?** ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

**4. Restricted Delivery? (Extra Fee)**

- ☐ Yes

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